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possible without law at all. A tribunal in which the judge does that which he deems just in a particular case, regardless of general principles, may not be an efficient or trustworthy tribunal, but is a perfectly possible one. It is a court of justice which is not also a court of law. . . . Law is a gradual growth from small beginnings. The development of a legal system consists in the progressive substitution of rigid preëstablished principles for individual judgment, and to a very large extent these principles grow up spontaneously within the tribunals themselves. That great aggregate of rules which constitutes a developed legal system is not a condition precedent of the administration of justice but a product of it. Gradually, from various sources—precedent, custom, statute—there is collected a body of fixed principles which the courts apply to the exclusion of their private judgment. The question at issue in the administration of justice more and more ceases to be 'what is the right and justice of this case' and more and more assumes the alternative form, 'what is the general principle already established and accepted as applicable to such a case as this.' Justice becomes increasingly justice according to law, and courts of justice become increasingly courts of law."

The book is a valuable addition to the not over extensive group of books in English devoted to analytical jurisprudence and, though coming from the other side of the world, there is little, if anything, in it that makes it less valuable wherever the English law prevails.

E. B. G.

*Textbook of Aerial Laws.* By Henry Woodhouse. New York, Frederick A. Stokes Company, 1920. pp. 171.

When an authority on aviation, supported by eight lawyers in advisory capacity, purports to "make available a complete review of Aerial Jurisprudence," an imaginative student of things aerial or legal may be pardoned great expectations. Your swivel-chair becomes a Pegasus in clouds of theory, Spad-mounted speed cops lurk behind their fleecy ambushes, and colored kite balloons direct your flight of imagination.

In reality the subject is merely an application of familiar principles to a new set of facts. Mr. Woodhouse has reviewed actual aerial legislation, without significant comment. The regulations adopted by the Aeronautic Commission of the Peace Conference, the only aerial law as such, are printed in full, as well as the 1919 British Air Navigation Regulations, proposed legislation in France and the United States, the New York and Massachusetts statutes, and a rather conglomerate mass of recent war incidents, the latter illustrative of an illusory "Aerial War Code." The Constitution of the United States is given *in extenso* (including the names of the signers and the ratification majorities in the states), lest proposed aerial legislation be unconstitutional.

The remainder of the book consists of hypothetical cases that involve familiar enough legal principles and will offer none of the difficulties the author expects, when once society has decided how air-craft shall be used. For that is the whole point. It is only in the adjustment of our jurisprudence to aerial conditions that a real problem arises. Take for instance the question of state sovereignty over the air (although it was perhaps finally settled at Versailles); shall we consider an aeroplane a flying automobile upon the aerial roadways of a nation, or a flying ship upon the high seas of the air? None of the fundamental principles are suggested to us by which alone similar undecided questions may be answered. The author's only explanation of the rejection of the "Freedom of the Air" theory seems to be an objection by Great Britain that the aviators of European belligerents might fight their battles over a neutral London and the falling débris cause damage! Even a cursory reading of Dr. Harold Hazelton's or of Sir H. Erle

Richards' work, would have revealed an historic legal background for a logical working out of the question, in the arguments that rights in land have always implied sovereignty over the air above it, and that the territory of a nation is not analogous to an ocean bottom, unless both gravity and immemorial precedent are to be disregarded.

Unfortunately, as much exception may be taken to some of the author's purely aeronautic conclusions as to those offered from a legal viewpoint. And all such aspects as jurisdiction and the conflict of laws in the air are entirely omitted. This is the more unfortunate in view of the need of a complete review of aerial jurisprudence.

G. G. D.

*A Memoir of the Right Honourable Sir William Anson.* Edited by Herbert Hensley Henson. London, Oxford University Press, 1920. pp. 242.

American lawyers and law students who have used Anson on *Contract* and also his work on *Law and Custom of the Constitution* will be interested in this memoir, to which a number of Sir William Anson's close friends have contributed. College and law school teachers and college reformers and executives will also be interested, inasmuch as his real life work was that of scholarship and administration. For thirty-three years he was Warden of All Souls College, being elected to reform that institution, after a vigorous campaign between conservatives and radicals. All Souls is a college devoted to graduate research, with no undergraduates. Its Fellows had from time immemorial been largely non-resident. Because of a constitutional provision giving a preference to "Founder's Kin", out of 113 Fellows between 1815 and 1857, 78 were of the "sacred families". It was a popular gibe that the requirements for election were that the Fellow must be "*bene natus, bene vestitus, mediocriter doctus*." Anson was under forty, a lawyer, a layman, and a Liberal. He reconstructed the constitution of All Souls; but he so linked his reforms with the ancient traditions of the place that he reconciled everybody, and many men of distinction were later attracted to All Souls. He was a leader in the teaching of law at Oxford, even going so far as to give courses to undergraduates in Balliol and Trinity; and he was one of the founders of the Law Quarterly Review. His method of teaching was what Dicey describes as "professorial and tutorial", meaning undoubtedly lecture and the discussion of a text-book. Sir Frederick Pollock says of Anson, in a review of the present volume, that "Langdell and the brilliant school of American theorists, not always as sound as their spiritual father, whom Langdell's example has raised up in America, had no attraction for him, and the Year Books had little more." And again, "His one obvious mistake in university matters, as it now appears, was to favour the establishment of a new university for women." This he favored in order to prevent the necessity of Oxford's granting degrees to women.

Sir William Anson was a scholarly, reasonable, energetic, and sweet-tempered man. The present volume, including contributions by Dicey and Holland, presents an interesting account of his career, both at Oxford and in Parliament. In his youth he rejected an offer to become the tutor of William II, late emperor of Germany. Two years before his death he gave personal instruction in Government and Constitutional Law to the present Prince of Wales.

A. L. C.

*The Grotius Society, Vol. V. Problems of Peace and War—Papers read before the Society in 1919.* London, Sweet & Maxwell, Ltd., 1920. pp. xxvi, 154.

The foundation of the Grotius Society in the year 1915 was an eloquent